United Nations S/AC.44/2004/(02)/21

# Security Council

Distr.: General
2 November 2004

Original: English

**Security Council Committee established pursuant to resolution 1540 (2004)**

## Note verbale dated 27 October 2004 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Romania to the United Nations presents its compliments to the Chairman of the Committee and has the honour to enclose herewith the first report of Romania on the implementation of Security Council resolution 1540 (2004) (see annex).

04-59015 (E) 101204

**Annex to the note verbale dated 27 October 2004 from the Permanent Mission of Romania to the United Nations addressed to the Chairman of the Committee**

**National report of Romania on the implementation of Security Council resolution 1540 (2004) (26 October 2004)**

On 28 April, the Security Council unanimously adopted resolution 1540 (2004), which addresses the threat of weapons of mass destruction falling into the hands of terrorists and other non-state actors.

It was the first time the Council had passed a resolution on this subject, with the aim to prevent terrorists and other non-state actors to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery.

Romania believes that the Security Council action can address this threat efficiently. Therefore, Romania is fully committed to the work of 1540 Committee in ensuring global implementation of this resolution.

## Non-Proliferation Policy

Romania's policy on non-proliferation and export control is an important part of its foreign and security policy and has as its main goal the preservation of peace and security and the prevention of proliferation of weapons of mass destruction and their means of delivery.

As a State Party to the international non-proliferation regimes, Romania remains committed to contributing to regional and international security and stability by promoting transparency and responsibility in transfers of armaments and dual-use goods and technologies. Romania seeks to ensure, through its national policy and export control system that transfers of these items do not contribute to the development or enhancement of military capabilities which undermine these goals, and are not diverted to support such capabilities.

Romania is a State Party to NPT (1970), BWC (1979) and CWC (1995) and participates to the international non-proliferation regimes such as Wassenaar Arrangement (1996), Nuclear Suppliers Group (1991), Zangger Committee (1991) and Australia Group (1995). The Additional Protocol to the Safeguards Agreement between

Romania and the IAEA has been in force since 7 January 2001. Romania is also a signatory to the International Code of Conduct against Ballistic Missile Proliferation (HCOC).

The Missile Technology Control Regime is the only non-proliferation regime to which Romania is not yet party. Nevertheless, since 1992 the Government of Romania has fully complied with the MTCR Guidelines in order to limit the risks of proliferation of WMD's delivery means by controlling all transfers that could contribute to the development of military programs.

Romania supports the EU's policies to prevent WMD proliferation, in particular the Action Plan agreed at the Thessaloniki European Council in June 2003 and the Strategy approved by the European Council in December 2003.

Romania promotes international co-operation in order to prevent the acquisition of sensitive dual-use items for military purposes, in particular if the situation in a region or the behaviour of a state is, or becomes, a cause for serious security concern.

**Legislative Action**

The result of this policy is the restrictive legislative approach taken by the Government with respect to transfer of military equipment and dual-use items and technologies. The national export control system is based on multilateral, regional and bilateral obligations and political commitments entered into by Romania.

The primary export control legislation was enacted in Romania in 1992 through Government Decision no. 594 on import and export control of strategic goods and of dual-use items and technologies. This Act set up export control principles, licensing and authorization mechanisms and procedures as well as control lists of items similar to those agreed upon within MTCR, Nuclear Suppliers Group, Australia Group, Zangger Committee and the Wassenaar Arrangement. The national export control authority (ANCEX) was established according to this Decision. The Government Decision no. 594/1992 was further improved through the Government Ordinance no. 31/1994, approved by the Law no. 93/1994 on the import and export control of strategic goods, and later through the Government Ordinance no. 158/1999.

The export control legislation is complementary to the secondary legislation enacted to implement the international treaties on non-proliferation, such as NPT, BWC and CWC. In addition, separate legislation regulates the safe conduct of nuclear activities in Romania – Law no. 111/1996 as modified by the Law 193/2003. Specific measures to combat the WMD proliferation by terrorists are incorporated in Law 472/2004.

Romania aligned its export control legislation to the EU standards. The Parliament approved the Law no. 387/2003 on the export control of dual-use goods and technologies, thus ensuring full consistency with the EU regulation 1334/2000 and latter amendments thereto.

**Executive action**

The Inter-Ministerial Council for Export Control of Dual Use Goods and Technologies, the Inter-Departmental Group for Non-proliferation and the Interministerial Council for Counter-terrorism are responsible for actions to put in place Romania's non-proliferation activities, both at policy and technical levels. They also ensure the implementation of Security Council resolution 1540 (2004).

**Technical assistance**

Romania has contributed to the IAEA Nuclear Security Fund aimed at combating nuclear terrorism since its establishment in 2002. Technical assistance on export control legislation and "good practices" has been provided by Romania for countries within our region.

In kind assistance was also made available under the technical assistance programs coordinated by OPCW.

**Implementation of resolution 1540 (2004)**

***Operative Paragraph 1***

Romania does not provide any form of support to non-state actors that attempt to develop, acquire, manufacture, possess, transport, transfer or use nuclear, chemical or biological weapons and their means of delivery. Any and all such support is prohibited by Romanian law.

***Operative Paragraph 2***

All international obligations undertaken by Romania as a state party to the NPT, BWC and CWC are fully translated into domestic legislation, including the export control regulations and Penal Code. The most recent law passed by the Parliament of Romania (Law no. 407/2004) approves Romania's participation in the Australia Group.

Implementation of CWC is ensured through several laws approved by the Parliament of Romania: Law no. 125/1994 for the ratification of the CWC and Law no. 56/1997 for the national implementation of CWC. Law 56/1997 was modified and updated by Law no. 448/2003.

The maximum penalty for the use of chemical weapons and agents is life imprisonment. The maximum penalty for the development, production, acquisition, possession, or the direct or indirect transfers of chemical weapons is up to 25 years imprisonment and interdiction of some civil rights.

The national legislation and regulations can be consulted on the ANCEX's official website: www.ancex.ro

The National Commission for Nuclear Activities Control (CNCAN), which is the National Nuclear Regulatory Authority in Romania, initiated in 2002 an extensive process of revisiting national regulations in nuclear field. As a result, new norms were approved by the Government: Government Decision on the establishment of the List of materials, devices and equipment relevant for nuclear proliferation; Safeguards Regulations; Radioactive Material Transport Regulation; National Norms for Physical Protection in Nuclear Field.

Law no. 111/1996, republished in 1998, and succesive amendments, provides for a maximum penalty of life imprisonment for use of nuclear weapons or nuclear explosive devices. The maximum penalty for the development, production, acquisition, possession, direct or indirect transfer of nuclear weapons is up to 25 years imprisonment and interdiction of some civil rights.

The nuclear framework legislation and regulations can be consulted on the Regulatory Body's official website: www.cncan.ro/ro/legislatie.php.

An Inter-Departmental working group was set up in 2003 to consider and recommend possible updates to the national legislation in the biological field, in particular by addressing issues related to prevention and countering of bioterrorism.

Law 472/2002 on punishing terrorist activities covers acqusition or spread in air, ground, underground and water of products, substances, materials, microrganisms or toxins jeopardizing health of human beings and animals, or the environment. The maximum penalty for non-observance of the law is up to 20 years of imprisonment.

Law 466/2002 on preventing and fighting against the use of the financial and banking system to finance terrorist activities, which complements Law 656/2002 on preventing and punishing money laudering and amendments thereto, prohibits any financial assistance for terrorist activities.

***Operative Pargraph 3***

Decisions to import and export military equipment and dual-use items are made upon the thorough evaluation of each particular case.

In approving a licence for the export of military equipment and dual use items due consideration is given to whether:

- the transfer would affect in any way peace and security or creates instability;
- the transfer would breach international commitments undertaken by Romania;
- the end-user/broker is not reliable.

The national system for strategic exports control as updated in 2003, is a result of the positive achievements in this field, both at national and international level, during 1992-2003. Romania has continuously improved its mechanisms and procedures of non-proliferation and export controls by taking into account the results achieved within the international non-proliferation arrangements such as NSG, AG, MTCR, and the WA, as well as "best practices" in this field.

Within the measures put in place to improve the control system, Romania has developed a sound enforcement component, which amplifies the inter-institutional information sharing process and strengthens administrative co-operation on both prevention and response.

Romania is a staunch partner in the promotion of regional and international initiatives aimed at preventing the proliferation of WMD and their delivery systems, in particular against possible risks of diversion of strategic goods to terrorists.

## Export Controls

### Legal Framework

As already mentioned, the current control regime of exports and imports of strategic goods was based upon Government Decision no. 594/1992, modified by Government Ordinance no. 31/1994 and approved by Law no. 93/1994.

As a result of international developments and of the experience gained at national level, the legislative framework was further improved through Government Ordinance no. 158/1999 on the regime of exports and imports of strategic goods, published in the Official Bulletin of Romania, Part I, no. 519/26 October 1999. The implementation of EU regulations led to the approval by Parliament of a separate law regulating exports control of dual-use goods and technologies – Law no. 387/2003. This ensures the full consistency of the national legislation with EU regulation 1334/2000 and subsequent updates thereto.

The export control legislation and regulations can be consulted on the official website of the National Agency for Exports Control (ANCEX) – www.ancex.ro.

### Institutional Framework
### National Authority

The national control authority is the National Agency for Export Control (ANCEX). ANCEX is also the National Authority for implementation of CWC.

The National Authority was set up through Government Decision no. 594/1992.

Between 1993 and 2000, ANCEX operated as a specialised body of the Government, being subordinated directly to the Prime–Minister.

Since 2001, ANCEX has functioned as a specialised body of the central public administration, subordinate to the Ministry of Foreign Affairs. The on-site control activity of ANCEX is coordinated since 2003 by the Minister Delegate for enforcement activities. ANCEX is headed by a President with the rank of State Secretary.

### Responsibilities

*Regulation:* ANCEX drafts the legal framework on export control and issues the appropriate procedures and instructions. The Agency ensures the implementation at the national level of the guidelines of the international control regimes (Wassenaar

Arrangement, NSG, Zangger Committee, Australia Group, MTCR) as well as the CWC and BWC.

ANCEX also implements the provisions of the *acquis communautaire* in the field of non–proliferation and export control of arms, ammunitions and dual-use goods and technologies.

*Authorisation and licensing*: ANCEX issues authorisations for import/export of strategic goods, import/export licences, and international transit and transhipment certificates, which cover also triangular operations.

*Enforcement:* ANCEX conducts on-site controls in all stages of the authorisation, licensing and delivery process (pre-licensing, licensing, post-licensing, and post-delivery).

*Outreach:* ANCEX co-operates with similar export control authorities and participates in international meetings on export control.

**Interministerial Council for the Export and Import Control of Dual Use Items**

The Interministerial Council for the export and import control of dual use items was established by Government Decision, following the promulgation of Law 387/2003. The Council approves or denies licence applications for export/import of dual use goods and technologies. The control list of dual use items was updated through the Government Decision 861/2004.

The Council meets weekly and its decisions are taken by consensus.

The Interministerial Council consists of representatives from:

- Ministry of Foreign Affairs – Non-proliferation and Arms Control Department and International Trade Department;
- Ministry of National Defence – Department of Procurement;
- National Customs Authority;
- Ministry of Economy and Trade;
- Ministry of Interior – Division for Economic Investigations;
- Romanian Intelligence Service;
- Foreign Intelligence Service;
- National Commission for Nuclear Activities Control;
- National Agency for Export Control (ANCEX).

The Council is chaired by the President of ANCEX.

**Criteria**

The licence or permit applications are considered by the members of the Interministerial Council according to the following criteria:

- legal obligations undertaken by Romania;
- strict observance of Security Council resolutions, OSCE decisions, and EU decisions, actions and common positions, including the EU Code of Conduct on arms export of 1998;
- guidelines and decisions of the international regimes for WMD non-proliferation and export control;
- conduct of the importer state and of the end-user;
- reliability of the importer state and of the end-user;
- denial notifications shared by member states of WA, NSG and AG.

**Other Control Bodies within the National Export Control System**

Other national authorities support ANCEX in carrying out preliminary control before an authorisation or licence is considered and approved by the Interministerial Council:

- **National Commission for Nuclear Activities Control** (CNCAN) - in the nuclear field;
- **Control Office for Exports and Imports of Special Goods (OCIEPS),** within the Ministry of National Defence in the military field;
- **Division for Economic Investigations (DIES),** within the Ministry of Interior - verification and law enforcement field;
- **National Customs Authority,** under the coordination of the Minister Delegate for enforcement activities.

All these bodies are represented in the Interministerial Council and their weekly meetings facilitate exchange of relevant control/enforcement information.

**Authorisation and Licensing**

The following operations with strategic goods are subject to the control regime, as stipulated in Law no. 387/2003 for dual use items and the Government Ordinance no. 158/1999 for armaments and military equipment:

- imports, exports, re-exports and any other permanent or temporary transfer to or from Romania;

- non-commercial activities;
- brokerage activities;
- international transit through Romania;
- transhipments made on the Romanian territory;

All the operations mentioned above are authorised on a case-by-case basis.

The control regime applies to all Romanian natural and legal persons carrying out import/export operations with strategic goods, as well as to public authorities, as well as to Romanian natural persons and residents abroad.

**Strategic Goods**

According to the national legislation the following items are defined as being "strategic goods":

- Dual-use goods (nuclear materials, facilities and equipment; materials, chemicals, micro-organisms and toxins; processing materials; electronics; computers; telecommunications; information security; sensors and lasers; navigation and avionics; marine; propulsion systems, space vehicles and related equipment). The dual-use list is consistent with EU regulations, Nuclear Suppliers Group, Zangger Committee, Australia Group, Wasssenaar Arrangement and MTCR Guidelines and decisions.
- Arms, munitions and other military goods.
- Intangible transfer of technologies.

**Items Subject to Export Controls**

**A. Nuclear Items**

Romania signed the Nuclear Non-Proliferation Treaty (NPT) on 1 July 1968 and ratified it on 4 February 1970. The Additional Protocol to the Safeguards Agreement between Romania and the IAEA entered into force on 7 January 2001.

Romania became a member of the Nuclear Suppliers Group and Zangger Committee in 1991.

Romania signed the Comprehensive Nuclear-Test-Ban Treaty (CTBT) in September 1996 and ratified it in October 1999.

Romanian nuclear export control legislation in based upon the guidelines of the Nuclear Suppliers Group (NSG) and Zangger Committee (ZC). Full scope safeguards is a prerequisite for approving any licence application for the export of nuclear material and technology to any non-NPT country. As a result, Annex 1 of the Government

Decision no. 467/1999 covers the strategic items and technologies included in the NSG control lists (as contained in INFCIRC 254, Part 1 and 2/Rev 4) and the ZC Trigger List (as stipulated in the IAEA document INFCIRC 209).

**B. Biological and Chemical Items**

Romania signed the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or other Gases and of Bacteriological Methods of Warfare on 17 June 1925 and ratified it on 23 August 1929 with two reservations. These were withdrawn through the Romanian Parliament Act no. 39 of 1 June 1991.

The Convention on the Prohibition of Development, Production and Stockpiling of Bacteriological (Biological) and Toxin Weapons and on their Destruction was signed by Romania on 10 April 1972 and ratified on 25 July 1979.

The Convention on the Prohibition of the Development, Production, Stockpiling and the Use of Chemical Weapons and on their Destruction (CWC) was signed by Romania on 13 January 1993 and ratified on 15 February 1995. As stipulated by the Convention, the National Authority (ANCEX) has been set up with the view to ensure its implementation at the national level.

Romania became a member of the Australia Group in 1995.

The export control regime on dual-use biological and chemical equipment, agents and microorganisms was enacted in Romania in 1992, through Government Decision no.594/1992. The latest update of the AG list is Annex 1 of the Government Decision no. 467/1999.

**C. Missile Technology**

Although not a member of the Missile Technology Control Regime, in 1992 Romania pledged to abide by the MTCR Guidelines. MTCR Guidelines and control lists were incorporated subsequently in Government Decision no.594/1992. The latest update of the MTCR lists is Annex 1 of Government Decision no. 467/1999.

Romanian authorities exercise maximum care in considering all licence applications for transfers of items contained within MTCR Annex, on the basis of all available information.

## D. Conventional Arms and Dual Use Goods and Technologies

Romania adhered to the former COCOM guidelines in 1992, when establishing its national export control system through Government Decision no.594/1992.

After COCOM dissolution in 1994, Romania continued strictly to abide by its export control commitments. The national basic law of 1994 (Law 93/1994) was further improved and in 1999 a new regulation came into force - Government Ordinance no. 158 of 19 October 1999 on the import and export regime of strategic goods.

In 1996, Romania joined the Wassenaar Arrangement on export controls for conventional weapons and dual-use items and technologies.

Romania implements the control lists of the Wassenaar Arrangement in the field of Dual- Use goods through Government Decision 467/1999, Annex 1 and Government Decision 20/2000 on export control of sensitive and very sensitive dual-use items.

Conventional arms and ammunition subject to the export control regime are incorporated in a specific list approved through Government Decision no. 844/2001, which is in line with the amendments adopted so far by the WA Plenary.

All strategic goods control lists are continuously updated subject to the decisions adopted within the international non-proliferation regimes and the EU.

### "Catch-all" Procedure

The national legislation also covers the export control of other dual-use items that are not specifically included in the lists approved by Government Decisions, but which may be used in connection with the production of WMD and missiles capable of delivering such weapons. Under that provision an export licence is required if the exporter has been informed by the Romanian authorities or is otherwise aware that such goods are or may be intended, wholly or in part, for use in connection with WMD purposes.

### Authorisation

Foreign trade operations with strategic goods are carried out only on the basis of authorisation issued by ANCEX. For arms and ammunition, as well as for nuclear materials and technologies a preliminary authorisation is required from the MoD and CNCAN respectively.

The authorisation is granted on an annual basis.

## Licensing

The licence gives the right to an authorised person to carry out foreign trade operations with strategic goods.

The licence holder has the obligation to immediately inform ANCEX of any changes in the data of the application, which have occurred during the period of its validity.

The following operations with strategic goods are subject to the export control regime, according to Government Ordinance no. 158/1999:

- export and import, including re-export and any other transfers, on a permanent or temporary basis, from and to Romania;
- non–commercial operations with strategic goods, on a permanent or temporary basis, from and to Romania;
- operations conducted with foreign partners (acquisition or sale of strategic goods), outside Romania;
- international transit through Romania;
- transhipment on Romanian territory;
- destination and end–use of strategic goods subject to the above-mentioned operations.

## Application Forms

### Imports

1. Application for Licence and Import Licence
2. End-User Statement
3. Application for International Import Certificate
4. International Import Certificate
5. Application for Delivery Control Certificate
6. Delivery Control Certificate

### Exports

1. Application for Licence and Export Licence
2. International Import Certificate)
3. Delivery Control Certificate

**Licence**

Licences can be issued by order of the President of ANCEX on the advice of the Interministerial Council and in accordance with EU regulation no. 1334/2000 and successive amendments.

The law provides for the following licences:

- individual
- global
- general

The individual licence is issued to a certain exporter or importer to export or import one ore more goods to or from a single foreign partner, for all controlled categories.

The global licence is issued to a certain exporter or importer for one or more goods and is valid for exports and imports to or from one or more states, for all controlled categories.

The general licence is issued to all exporters for exports of one or more goods to one or more certain states. General licenses can be issued only for the export of dual–use goods, with the exception of sensitive and very sensitive goods.

**No general and global licences have yet been issued.**

**Permit for International Transit**

Required documents:

- application for transit permit, in due form;
- information on the operation to be performed;
- invoice of the foreign partner;
- export licence or the equivalent document issued by the authority of the exporting country;
- import licence or the equivalent document issued by the authority of the country of final destination;
- documents authorising the transit, issued by the authorities of the country that will be transited;
- consent of the National Commission for Nuclear Activities Control, in case of nuclear material and technology transit;
- documents certifying that security measures of transport were ensured.

**Transhipment**

Required documents:

- application for transhipment permit, in due form;
- information on the operation to be performed;
- export licence or equivalent document issued by the authority of the country transferring the strategic goods;
- import licence or equivalent document issued by the authority of the country of the final destination;
- prior authorisation of the National Commission for Nuclear Activities Control, in case of nuclear material and technology transit.

**International Import Certificate (IIC)**

An IIC sets out the importer's commitment to import strategic goods and not to divert, tranship or re-export them without prior written consent of the issuer and has a validity of 6 months.

In the case of imports of strategic goods, the importer, if requested by their foreign partners, has to apply to ANCEX for an International Import Certificate or for an equivalent document, as required by the authority of the exporting country.

For Romanian exports of strategic goods, the export licence applicant has to submit the International Import Certificate or other equivalent document certified by the authority/government of the end-user's country.

**The Delivery Verification Certificate (DVC)**

DVC proves that the imported strategic goods arrived in Romania. Information such as customs office, arrival data and import customs declaration should be mentioned in the DVC.

In the case of the export of strategic goods from Romania, the Romanian exporter should obtain a DVC or other equivalent document issued or certified by the authority of the recipient country stating that the merchandise has arrived at the declared destination.

The DVC or the equivalent document has to be presented to ANCEX in original form within 4 month of the delivery date.

**The Final Destination Declaration (FDD)**

FDD certifies the way in which the final consignee will use the goods. The change of final destination of a product subject to control cannot be made without prior consent of ANCEX.

The FDD is a mandatory document that has to be presented in submitting an Import Licence Application for arms, munitions and other military goods, and for dual-use sensitive and very sensitive goods and technologies.

**Enforcement**

The National Agency for Export Control, the National Customs Authority and the Division for Economic Investigations (within the Ministry of the Interior) are the law enforcement bodies according to Romanian legislation.

The Office for the Import and Export of Special Products (within the Ministry of National Defence) and the National Commission for Nuclear Activities Control have also enforcement competences.

ANCEX has a Control Team for conducting enforcement tasks. It enjoys free access to any relevant documents and information for the strategic export control system.

Enforcement activities can be carried out during the pre-licensing, licensing, post-licensing and post-delivery phases.

The National Customs Authority verifies the customs documents for imports and exports of strategic goods. It also acts in order to prevent and identify any infringement of the law.

A Nuclear Unit has been set up for specific customs control at border crossing points. The National Customs Authority cooperates with Border Police (within the Ministry of Interior) in conducting border controls and surveillance.

The Division for Economic Investigation (within the Ministry of Interior) investigates any violation of the export control regulations and co-operates with other enforcement bodies to collect and assess appropriate information. The findings are further presented to the competent authorities for prosecution and sanctions, according to the penal law.

**Penalties**

Breaches of the strategic goods trade regulations constitute offences according to the Romanian Penal Code of 1998 and are punished with imprisonment, unless otherwise regulated by special legislation:

- Art. 302: non-observance of legal provisions on import and export transactions (up to 7 years);
- Art. 312: trafficking in narcotics and toxic substances (from 3 to 25 years).

According to the current legislation, non-observance of the end-user and final destination declarations of strategic goods constitutes contravention and is punished with fines.

Non-observance of the authorisation and licensing procedures, in accordance with the framework law, is sanctioned by disciplinary, administrative or criminal penalties.

**Implementation/Enforcement**

The Romanian authorities are committed to improve further the effectiveness of the national export control regime. In the assessment of the applications for licences and permits for transit/transhipment, a great importance is placed on information exchange on transfers and on denials.

In the past two years, for instance, ANCEX denied a number of licence applications for the export of dual-use items. The Romanian authority considered the risk of possible diversion of these items to programs of weapons of mass destruction to be high and therefore denied the applications.

Romanian authorities will further develop the national export control system based on Romania's obligations and the commitments undertaken in the field of non-proliferation and international export control regimes.

The National Agency for Exports Control (ANCEX) will undertake further steps to strengthen the current legislative and institutional framework through enacting and implementing specific norms on export control of dual-use items and technologies.

- thorough monitoring and control by ANCEX of activities related to authorisation/registration of Romanian companies carrying out international

trade with strategic goods, which require end-user certificates: regular on-site visits and checking activities, and also interviews with managers;

- ensuring effective enforcement through the Control Unit of ANCEX: regular control and monitoring of exporters, brokers, producers and users of strategic goods.

***Operative Paragraph 5***

Romania is a state party to the NPT, CWC and BWC. Romania supports the IAEA and the OPCW activities, as well as the continuation of the work by States party to the BWC to strengthen its implementation.

***Operative Paragraph 6***

Romania's lists of strategic goods and technologies are fully consistent with those agreed upon within the WA, MTCR, AG, NSG and EU. Such lists have been set up by the following Government Decisions:

- Government Decision no. 861/2004 – List of dual-use goods and technologies;
- Government Decision no. 844/2001 - List of arms, ammunition and other military goods, published in the Official Bulletin of Romania, Part I, no. 586/19 September 2001;

Government Decision no. 861/2004 updates the national export control list of dual use items and technologies pursuant to the EU latest regulations.

The current control list of arms and ammunition and other military goods subject to the strategic export and import control regime was approved by Government Decision no. 844/28 August 2001, published in the Official Bulletin of Romania, Part I, no. 586/19 September 2001. It incorporates decisions adopted by the WA with regard to the control of conventional arms and dual use goods, as well as the EU Common List of military equipment.

***Operative Paragraph 7***

Romania is willing to contribute its share in providing assistance, as appropriate, in response to requests from states lacking the legal and regulatory infrastructure and implementation experience for fulfilling the provisions of resolution 1540 (2004).

*Operative Paragraph 8*

Romania has demonstrated a longstanding commitment to promote the universalization and full implementation of the international disarmament and non-proliferation treaties. Romania will continue to promote this policy.

**NPT**: Romania actively promotes universal adoption, full implementation and strengthening of the Treaty. Romania continues to encourage all states to place their nuclear activities under IAEA safeguards and to conclude with the Agency Adittional protocols to their safeguards agreements. In 2002 and 2003 Romania hosted sub-regional seminars on the promotion of implementation of the integrated IAEA safeguards and on the prevention of illicit trafficking in nuclear materials.

Romania is a party to the Convention on Physical Protection of Nuclear Materials (CPPMN) and supports the efforts launched in 1998 to strenghten the scope of the Convention by broadening its coverage to all nuclear material used for peaceful purposes in domestic use, storage, and transport and by criminalizing acts of sabotage on nuclear facilities.

Romania supports the IAEA Plan of Action for the Prevention of Nuclear Terrorism and is a donor to the Nuclear Security Fund. For 2004 Romania pledged a contribution of USD 25,000 to the Fund.

In 2003 Romania organized with the IAEA the regional pilot course "Procedures of response in case of nuclear terrorism and incidents involving illicit trafficking of radioactive materials". In 2004 Romania and the IAEA will organize a regional course on "procedures of intervention in case of nuclear threat".

Romania attaches great political importance to the national implementation of the Additional Protocol to the Nuclear Safeguards Agreement

Romania supports the measures of the IAEA on strengthening the implementation of the "IAEA Code of Conduct on Radioactive Sources Safety and Security".

**CWC**: Romania is a strong supporter of the OPCW and supports universal adherence to and full implementation of the CWC. With support from the OPCW and

the US, Romania organized in 2004 a sub-regional seminar on the promotion of CWC universality and national implementation.

Romania will continue to provide full support for the aims and activities of the OPCW, as well as to the organization's Plan of Action on Universality

Romania organized two courses for the personnel of National Authorities to the CWC (basic and advanced levels) in November 1999, in cooperation with Technical Secretariat of the OPCW.

Romania and the United States of America are working with the OPCW to assist National Authorities of CWC States parties to improve implementation of the CWC provisions by developing "Implementation Assistance Program – IAP" dedicated software. The IAP software will be presented at the Sixth National Authorities Meeting (The Hague, 26-28 November 2004).

Romania in cooperation with the Technical Secretariat of the OPCW, Romania has offered technical assistance for the implementation of the CWC by the Republic of Moldova.

**BWC:** Romania is fully committed to strengthening the BTWC. Romanian experts attended the BWC meetings in 2003 and 2004 and actively participated in the discussions.

Romania will work closely with national delegations and the UK chair of the BWC Meetings in 2005, which will discuss the possible content, promulgation, and adoption of Codes of Conduct for scientists.

Romania provides annual reports to the BTWC Confidence Building Measures programme.

Future efforts will be focused on measures related to strengthening the implementation of the BTWC, prevention and combat against bio-terrorism, improvement of physical protection of nuclear sites, chemical sites and biological research and production facilities.

As a future EU member, Romania supports and has aligned itself with:

- The EU Common Position, November 2003, on the universalisation of the main multilateral non-proliferation agreements (CWC, BTWC, NPT).
- The non-proliferation clause in EU-third country agreements.
- The EU lobbying for universalisation of implementation of the Additional Protocol as condition for supply of nuclear items and technologies.
- The EU demarches for non-State parties to adhere to multilateral treaties with a view to universalization of these treaties and to strengthen such treaties to prevent the proliferation of nuclear, biological and chemical weapons.

Romania will continue to promote the universal adoption and full implementation, and, where necessary, strengthening of multilateral treaties whose aim is to prevent the proliferation of nuclear, biological or chemical weapons.

Romania will update regularly its legislation in the field of preventing and combating terrorism and WMD proliferation by non-state actors, including the adoption of Cooperation Protocols between the governmental institutions of the National System for Preventing and Combating Terrorism.

A Draft Law on preventing and combating terrorism is under consideration by the Romanian Parliament. The Law will incorporate into the domestic legal framework the relevant European norms, especially the European Council Decision 475/JHA/2002 and he European Council Directive 97/2001, as well as the provisions of other relevant universal legal instruments; Romania is a state party to all the major international conventions on terrorism.

**Additional measures**

**Nuclear Activities**

- work of the National Nuclear Regulatory Authority with institutions and industry performing authorized nuclear activities or working with radioactive materials and radioactive sources, including contacts and controls;
- training and certification of personnel working in the nuclear field by the National Nuclear Regulatory Body;

- nuclear safety and security exercises organized in cooperation with the Civil Protection and other relevant public institutions;
- disseminating information through the National Nuclear Regulatory Authority's websites (www.cncan.ro), publications and leaflets;

**Additional Protocol and Nuclear Safeguards**

The first "National Conference on the implementation by Romania of the Additional Protocol and the Nuclear Safeguards Agreement" was held in Bucharest in February 2004, with the objective to strengthen implementation at national level. The Conference was attended by the representatives of public institutions, industry and the academic community, as well as by representatives of the IAEA Secretariat.

**CWC and export control of dual use items**

- the National Authority works with Romanian industry, including to organise conferences, seminars, workshops, "open doors" activities;
- the Romanian National Authority provides advice and assistance to industry in meeting their obligations under the CWC;
- compliance visits to Romanian plant sites declared to the OPCW and to Romanian companies which performed transfers of CWC scheduled chemicals;
- the dissemination of information through the Romanian National Authority websites (www.ancex.ro and www.export-control.ro), publications and leaflets;
- the Romanian National Authority is the focal point for consultation by industry through phone, fax or e-mail (dedicated e-mail address: consultanta@ancex.ro);
- the legislation relevant to export control of dual-use goods and technologies, as well as to export control of armaments and military equipment is also posted on the Customs National Authority website (www.customs.ro)

**Prevention and combating bioterrorism**

In the framework of the "BIO-TECH" research program developed by the Ministry of Education and Research, an international workshop on "Preventing and Combating Bio-Terrorism" took place in Bucharest in October 2004; the workshop was

organized by the Ministry's Working Group for Combating Bio-terrorism and the "Consortium for Law and Strategic Security"-DePaul University Chicago. The workshop was attended by representatives of public institutions, the industry and research community, as well as by representatives from WHO, UNODC, UNICRI, OSCE, NATO, ICPO-INTERPOL, SIPRI, USA, and the Russian Federation

***Operative Paragraph 9***

Romania continues to promote dialogue and co-operation on non-proliferation issues at international, regional and bilateral level as well as within multilateral fora to address the threat posed by the proliferation of WMD and their means of delivery.

***Operative Paragraph 10***

Romania supports the "Proliferation Security Initiative" and the 'Statement of Interdiction Principles" adopted in Paris, on September 4th, 2003.

Romania supports also the amendments to the Convention on Suppression of Unlawful Acts on the Sea aimed at combating terrorism and WMD illicit transfers and shipments.

Romania fully supports the Global Threat Reduction Initiative and is a key partner in the promotion of programs for conversion of TRIGA research reactors from HEU to LEU.

In cooperation with the IAEA, the USA and the Russian Federation, the entire stock of fresh nuclear fuel from the VVRs reserch nuclear reactor at Magurele was returned to the country of origin in September 2003.

In November 2003 Romania signed an agreement with the US and the IAEA for the completion of conversion of the TRIGA research reactor at Pitesti, from HEU fuel to LEU fuel. The program is due to be completed in 2006.

Romania participates in international cooperation programmes and actions for Customs, Border Control, the fight against organized crime and illicit trafficking, including WMD proliferation and terrorism, in the framework of the SECI Center for Combating Organized Crime.

In May 2004, Romania launched the "Border Defense Initiative", a regional cooperation project for combating proliferation of CBRN materials. Neighboring countries have been invited to participate to this initiative.